

Item No.: 18
Date: 07 2025 JAN



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

Province of Leyte
Legal Office
Time: 12:19 PM
Date: 12-19-24

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SANGGUNIANG PANLALAWIGAN
PROVINCE OF LEYTE
DEC 23 2024

PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT
December 9, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 3 series of 2024 of the Sangguniang Bayan of Abuyog, Leyte.

Issues/concerns for review/recommendation/legal opinion is/are as follows:

- Ordinance No. 3 series of 2024 entitled: **“Anti-Discrimination Ordinance on the Basis of Sexual Orientation and Gender Identity and Expression, etc.”**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance with its power under Section 447(a)¹ of the Local Government Code of 1991 (R.A 7160) in consonance with Provincial Ordinance No. 06-06 series of 2006 ². Hence, we recommend for the declaration of its validity.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on the facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.

ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer *JRA*

¹ (a) The sangguniang bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of this Code,

² An Ordinance Providing for a Gender and Development Code of the Province of Leyte and other Purposes

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

Province of Leyte
Legal Office

Received: _____

Time: _____

Date: _____

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11/19/24

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
19 November 2024

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 03, series of 2024 of the Municipality of MacArthur, Leyte**, entitled: Anti-Discrimination Ordinance on the Basis of Sexual Orientation and Gender Identity and Expression (SOGIE) for the protection of lesbians, gays, bisexuals, transgenders, intersex and queers (LGBTIQs) rights in the Municipality of MacArthur, Leyte.



FLORINDA JILLS UYVICO
Secretary to the Sanggunian

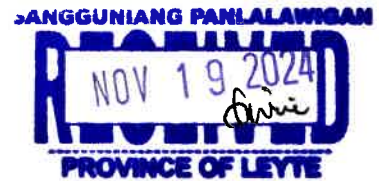


Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MACARTHUR

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Office of the Sangguniang Bayan

ENDORSEMENT
November 19, 2024



Respectfully submitting to the Honorable Provincial Board for consideration and approval the herein Municipal Ordinance No. 03, Series of 2024, entitled ANTI-DISCRIMINATION ORDINANCE ON THE BASIS OF SEXUAL ORIENTATION AND GENDER IDENTITY AND EXPRESSION (SOGIE) FOR THE PROTECTION OF LESBIANS, GAYS, BISEXUALS, TRANSGENDERS, INTERSEX AND QUEERS (LGBTIQs) RIGHTS IN THE MUNICIPALITY OF MACARTHUR, LEYTE.


MARIE STEPHANIE DE LA CRUZ- PULGA
Secretary to the Sanggunian



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MACARTHUR
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Municipal Ordinance No. 03 Series of 2024

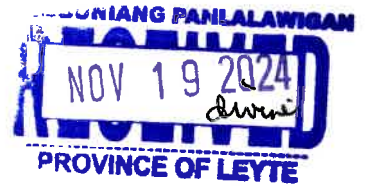
ANTI-DISCRIMINATION
ORDINANCE ON THE BASIS OF
SEXUAL ORIENTATION AND
GENDER IDENTITY AND
EXPRESSION (SOGIE) FOR THE
PROTECTION OF LESBIANS, GAYS,
BISEXUALS, TRANSGENDERS,
INTERSEX AND QUEERS (LGBTIQs)
RIGHTS IN THE MUNICIPALITY OF
MACARTHUR, LEYTE.



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MACARTHUR


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Office of the Sangguniang Bayan



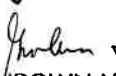
EXCERPT FROM THE MINUTES OF THE 105TH REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MACARTHUR, LEYTE HELD ON 28 OCTOBER, 2024 AT THE MUNICIPAL SESSION HALL.


Attested:


HON. JESUS A. BARANDA
Municipal Vice Mayor

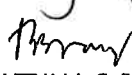
Concurred:


HON. RAUL E. MUNDALA
SB Member


HON. GWENDOLYN M. BERISO
SB Member


HON. VICTORIANO T. LAZAR
SB Member



HON. JONATHAN T. BARQUIN
SB Member


HON. TRINA C. BURAWIS
SB Member


HON. LEONARDO R. LERIA JR.
SB Member

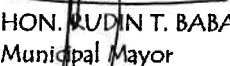

HON. IRENEO G. REMANES JR.
SB Member


HON. XANDRIX P. PANTIN
SB Member


HON. JOSE A. BARANDA
ABC President

HON. RALPH MARTIN P. EGOS
SKF President (On Leave)

Approved:


HON. RUDIN T. BABANTE
Municipal Mayor

Date Approved: NOV. 14, 2024

PRESENT:

Honorable Jesus A. Baranda	Vice Mayor, Presiding
Honorable Raul E. Mundala	SB Member
Honorable Gwendolyn M. Beriso	SB Member
Honorable Victoriano T. Lazar	SB Member
Honorable Jonathan T. Barquin	SB Member
Honorable Trina C. Burawis	SB Member
Honorable Leonardo R. Leria Jr.	SB Member
Honorable Ireneo G. Remanes Jr.	SB Member
Honorable Xandrix P. Pantin	SB Member
Honorable Jose A. Baranda	ABC President

ABSENT:

Honorable Ralph Martin P. Egos SKF President (On Leave)

MUNICIPAL ORDINANCE NO. 03
Series of 2024

ANTI DISCRIMINATION ORDINANCE ON THE BASIS OF SEXUAL ORIENTATION AND GENDER IDENTITY AND EXPRESSION (SOGIE) FOR THE PROTECTION OF LESBIANS, GAYS, BISEXUALS, TRANSGENDERS, INTERSEX AND QUEERS (LGBTIQs) RIGHTS IN THE MUNICIPALITY OF MACARTHUR, LEYTE.

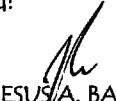
SPONSORED BY : Honorable Trina C. Burawis

WHEREAS, the 1987 Philippine Constitution under Section 2, Article II, provides: "the State values the dignity of every human person and guarantees full respect for human rights";

WHEREAS, consistent with Republic Act 7160, as amended, otherwise known as the "Local Government Code of 1991", the Sangguniang Bayan has the power to enact Ordinances for the general welfare of the municipality and its inhabitants pursuant to the general welfare clause;

WHEREAS, the state had passed numerous Republic Acts to protect the rights of any individual such as follows:


Attested:


HON. JESUS A. BARANDA
Municipal Vice Mayor

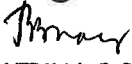
Concurred:


HON. RAUL E. MUNDALA
SB Member


HON. GWENDOLYN M. BERISO
SB Member


HON. VICTORIANO T. LAZAR
SB Member



HON. JONATHAN T. BARQUIN
SB Member


HON. TRINA C. BURAWIS
SB Member


HON. LEONARDO A. LERIA JR.
SB Member



HON. TRENIO G. REMANES JR.
SB Member


HON. XANDRIX P. PANTIN
SB Member


HON. JOSE A. BARANDA
ABC President

HON. RALPH MARTIN P. EGOS
SKF President (On Leave)

Approved:


HON. RUDIN T. BABANTE
Municipal Mayor

Date Approved: Nov. 14, 2024

1. Republic Act 7610- Special Protection of Children Against Abuse, Exploitation and Discrimination Act;
2. Republic Act 9710- Magna Carta of Women;
3. Republic Act 9262- Anti Violence Against Women and Their Children Act of 2004;
4. Republic Act 9344- Juvenile Justice and Welfare Act of 2006;
5. Republic Act 8972- Solo Parent Welfare Act of 2000;
6. Republic Act 10361- Domestic Workers Act (Batas Kasambahay);
7. Republic Act 7277- Magna Carta for Disabled Person;
8. Republic Act 7877- Anti Sexual Harassment Act of 1995;

But to date no Republic Act has been passed into law that will promote anti-discrimination directed against any person based on his gender identity, gender expression and/or sexual orientation;

WHEREAS, pursuant to the Gender and Development (GAD) programs and initiatives of the municipality, we have to mainstream all people on both ends of the gender spectrum in all development agenda;

WHEREAS, it is the policy of the Local Government Unit of MacArthur to afford equal protection to LGBTQ people as guaranteed by our Constitution and to craft local legislative measures in support of this aim;

WHEREFORE, on motion of Honorable Trina C. Burawis duly seconded by en masse, be it

Ordained by the Sangguniang Bayan of the Municipality of MacArthur, Leyte that:

SECTION 1. SHORT TITLE.

This Ordinance shall be known and cited as "Lesbians, Gays, Bisexuals, Transgenders, Intersex and Queers (LGBTIQs) Anti -Discrimination Act of MacArthur, Leyte".


SECTION 2. DECLARATION OF POLICY.

It is hereby declared that the municipality of MacArthur shall value the dignity of all persons, uphold and protect their human rights and ensure to be free from any form of inequality, regardless of his/her gender identity or social orientation particularly but not limited to being a Lesbians, Gays, Bisexuals, Transgenders, Intersex and Queers (LGBTIQs);

SECTION 3. DEFINITION OF TERMS.


a. DISCRIMINATION – constitute any distinction, exclusion, restriction, preference or other differential treatment that is directly or indirectly based on sexual orientation, gender identity, or gender expression, which has the intention or effect of nullifying or impairing the recognition,


Attested:


HON. JESUS A. BARANDA
Municipal Vice Mayor

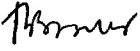
Concurred:


HON. RAUL A. MUNDALA
SB Member



HON. GWENDOLYN M. BERISO
SB Member


HON. VICTORIANO T. LAZAR
SB Member



HON. JONATHAN T. BARQUIN
SB Member


HON. TRINA C. BURAWIS
SB Member


HON. LEONARDO R. LERIA JR.
SB Member


HON. IRENEO G. REMANES JR.
SB Member


HON. XANDRIX P. PANTIN
SB Member


HON. JOSE A. BARANDA
ABC President

HON. RALPH MARTIN P. EGOS
SKF President (On Leave)

Approved:


HON. RUDIN T. BABANTE
Municipal Mayor

Date Approved: NOV. 14, 2024

enjoyment, or exercise on an equal footing, political, civil, economic, social, and cultural rights.

b. GENDER EXPRESSION- is how a person publicly presents their gender. This can include behavior and outward appearance such as dress, hair, make-up, body language and voice. A person chosen name and pronoun are also common ways of expressing gender.

c. GENDER IDENTITY- refers to the personal sense of identity as characterized among others by manners of clothing inclinations and behavior in relation to masculine or feminine conventions. A person may have a male or female identity with the physiological characteristics of the opposite sex.

d. LGBTIQ- refers to a diverse and complex range of identities based on SOGIE. This term refers to all gender and sexuality non-conforming people, include but not limited to lesbian, gay, bisexual, transgender, intersex and queer persons;

d.1 LESBIAN- a woman whose emotional, romantic and sexual energies are geared towards other women;

d.2 GAY- a person who is emotionally and/or physically attracted to members of the same sex. Although all-encompassing, this term refers mainly to men;

d.3 BISEXUAL- a person who is emotionally and/or physically attracted to members of both the same and opposite sex;

d.4 TRANSGENDER - is the state of one's gender identity (self-identification as woman, man or neither) not matching one's "assigned sex" (identification by others as male or female based on physical/genetic sex). Transgender does not imply any specific form of sexual orientation; transgender people may identify as heterosexual, homosexual, bisexual, pansexual, polysexual or asexual;

d.5 INTERSEX- those who are naturally born and poses both male and female organs;


d.6 QUEER- those who are gender non-conforming and who do not want to be defined by any of the labels.


e. SEX- is a human and civil status of a person acquired by birth having organ and system of reproduction;


f. SEXUAL ORIENTATION- refers to the emotional or sexual attraction or inclination of a person towards persons of his/her own sex, or both masculine and feminine sexes.


g. SOGIE- refers to Sexual Orientation, Gender Identity and Expression.


SECTION 4. ACTS OF DISCRIMINATION, HOW COMMITTED.

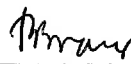
Attested:

HON. JESUS A. BARANDA
Municipal Vice Mayor

Concurred:

HON. RAUL E. MUNDALA
SB Member


HON. GWENDOLYN M. BERISO
SB Member


HON. VICTORIANO T. LAZAR
SB Member



HON. JONATHAN T. BARQUIN
SB Member


HON. TRINA C. BURAWIS
SB Member



HON. LEONARDO A. LERIA JR.
SB Member


HON. IRENEO C. REMANES JR.
SB Member


HON. XANDRIX P. PANTIN
SB Member


HON. JOSE A. BARANDA
ABC President

HON. RALPH MARTIN P. EGOS
SKF President (On Leave)

Approved:

HON. MUDIN T. BABANTE
Municipal Mayor

Date Approved: NOV. 14, 2024

Discrimination is being committed when a person is being withhelds from, excludes, restricts, curtails, demeans human dignity or otherwise impair the recognition, enjoyment and/or exercise of a right or basic freedom, of another to which others similarly exercise, delivery of basic goods and services, on the basis of gender identity and sexual orientation.

The following constitutes acts of discrimination and therefore punishable:

1. Deny access to public service on the basis of sexual orientation and or gender identity;
2. Denying access of an employee to opportunities of promotion, transfer, training, schooling or any other benefit that are otherwise granted to other employees similarly situated on the basis of actual or perceived sexual orientation and gender identity expression (SOGIE).
3. Refusing employment to a job applicant on the basis of actual or perceived SOGIE.
4. Refuse admission or expel a person from educational institutions on the basis of sexual orientation and gender identity, without prejudice to the right of educational institutions to determine the academic qualifications of their students;
5. Deny a person access to medical and other health services open to the general public on the basis of such person's sexual orientation and gender identity;
6. Deny a person access to or the use of establishments, facilities, utilities or services, open to the general public on the basis of sexual orientation and gender identity;
7. Subjecting either verbal or written words or publication to ridicule, to humiliate or insult any person by reason of SOGIE;
8. Refusing or failing to allow any person to avail of services or accommodation in an apartment, hotel, inn, boarding house and any other places of dwelling being rented out or offered to the public or for a fee on the basis of actual or perceived SOGIE.

SECTION 5. PERSON LIABLE.

Any person natural or juridical, who violate any provision of this Ordinance shall be held liable and penalized accordingly, provided that in the case of juridical person such as but not limited to corporations, associations, partnerships, educational and vocational institutions whether public or private, the manager or head of office thereof shall also be held accountable and responsible.

SECTION 6. WHERE AND HOW TO FILE A COMPLAINT.

Attested:

HON. JESUS A. BARANDA
Municipal Vice Mayor

Concurred:

HON. RAUL E. BONDALA
SB Member

HON. GWENDOLYN M. BERISO
SB Member

HON. VICTORIANO T. LAZAR
SB Member

HON. JONATHAN T. BARQUIN
SB Member

HON. TRINA C. BURAWIS
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HON. LEONARDO T. LERIA JR.
SB Member

HON. IRENEO G. REMANES JR.
SB Member

HON. XANDRIX P. PANTIN
SB Member

HON. JOSE A. BARANDA
ABC President

HON. RALPH MARTIN P. EGOS
SKF President (On Leave)

Approved:

HON. RUDIN T. BABANTE
Municipal Mayor

Date Approved: Nov. 14, 2024

Any LGBTIQ whose rights against discrimination, as defined under this Ordinance, has been violated, may file a complaint to the Lupon Chairman where the resident of the violator/s is/are located. In the event the prohibited acts were committed in workplace, schools and similar establishments, the complaint shall be filed in the Barangay in whose jurisdiction the acts of discrimination took place.

Whereupon, the complaint shall undergo the process of mediation, conciliation or arbitration as provided for under the provisions of Katarungang Pambarangay as enshrined under Chapter 7, Title One, Book III of Republic Act No. 7160, known as the "Local Government Code of 1991", which shall govern the procedure on the initiation and filing of the formal complaint before the courts for the Violation of this Ordinance.

SECTION 7. PENALTIES.

Any violation of this Ordinance shall be fined the following amount:

1. 1st Offense- a fine of One Thousand Pesos (1,000.00)
2. 2nd Offense- a fine of One Thousand Five Hundred Pesos (1,500.00)
3. 3rd Offense- a fine of Two Thousand Five Hundred Pesos (2,500.00) or imprisonment or both upon discretion of the court.

SECTION 8. IMPLEMENTING BODY.

The Gender and Development (GAD) Office of the Barangay in coordination with the Barangay Tanod also known as Barangay Public Safety Officer (BPSO), and other law enforcement agencies, shall implement and enforce the provisions of this Ordinance.

It shall formulate policies, guidelines, rules and regulations necessary to determine the propriety and merits of the complaint raised, procedure and manner of filing and hearing the same, and other matters relative to the implementation of this Ordinance.

It shall likewise conduct necessary information dissemination relative to this ordinance for the information and proper guidance of the people of MacArthur, Leyte.

SECTION 9. SEPARABILITY CLAUSE.

Should any part or provision of this Ordinance be held unconstitutional or valid by a competent court, the other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 10. REPEALING CLAUSE.

All Ordinances, laws, rules and regulations inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 11. EFFECTIVITY.

This Ordinance shall take effect after the approval from the Sangguniang Panlalawigan and the requirement of posting prescribed in RA 7160 is complied with.

ENACTED by the Sangguniang Bayan in session assembled on October 28, 2024 at MacArthur, Leyte, Philippines.

Approved unanimously.

SO ORDAINED.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.


MARIE STEPHANIE DE LA CRUZ- PULGA
Secretary to the Sanggunian

Attested:


HON. JESUS A. BARANDA
Municipal Vice Mayor

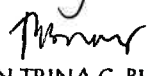
Concurred:


HON. RAUL E. MUNDALA
SB Member


HON. GWENDOLYN M. BERISO
SB Member


HON. VICTORIANO T. LAZAR
SB Member

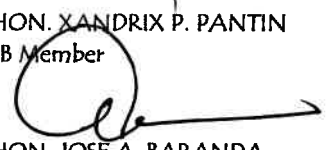

HON. JONATHAN T. BARQUIN
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SB Member

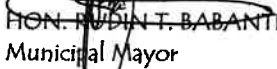

HON. IRENEO G. REMANES JR.
SB Member


HON. XANDRIX P. PANTIN
SB Member


HON. JOSE A. BARANDA
ABC President

HON. RALPH MARTIN P. EGOS
SKF President (On Leave)

Approved:


HON. RUDIN T. BABANTE
Municipal Mayor

Date Approved: NOV. 14, 2024



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MACARTHUR
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Office of the Sangguniang Bayan

CERTIFICATE OF POSTING

THIS IS TO CERTIFY that Municipal Ordinance No. 03, Series of 2024 of the Sangguniang Bayan of MacArthur, Leyte, duly enacted on October 28, 2024 and approved last November 14, 2024 has been posted since November 18, 2024 at the bulletin board of the Legislative Building, at Poblacion Public Market, and at Palale I Outpost pursuant to Section 511 of R.A. 7160.


MARIE STEPHANIE DE LA CRUZ- PULGA
Secretary to the Sanggunian